

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

SCOTTSDALE INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:23-cv-05051-MDH
)	
K2HN CONSTRUCTION, LLC, and)	
BILLY BALL,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s Motion for Default Judgment. Plaintiff filed the present complaint July 28, 2023, seeking declaration that Plaintiff is not liable to Defendant K2HN for insurance coverage related to an alleged workplace injury. Defendant Ball allegedly suffered a workplace injury during July 2021 and sued Defendant K2HN for resulting damages in Missouri state court under cause number 22LW-CC00120.

In the present lawsuit, Plaintiff has named K2HN Construction and Billy Ball as defendants. Defendant Ball answered Plaintiff’s complaint on August 23, 2023. (Doc. 3). Defendant Ball denies many of the Complaint’s allegations as to coverage and asserts affirmative defenses. Defendant K2HN was served September 6, 2023 (Doc. 4), but filed no timely answer. The Court entered a clerk’s entry of default November 1, 2023 against Defendant K2HN and Plaintiff moved for default judgment.

Given the allegations in Plaintiff’s complaint, however, this Court finds that Defendant K2HN and Defendant Ball are similarly situated such that entering default judgment against Defendant K2HN, finding that Plaintiff is in no way liable for damages resulting from Defendant

Ball's injuries, creates the risk of absurd or inconsistent judgments. *Rankin v. Direct Recovery Servs., LLC*, No. CV 21-1560 (MJD/LIB), 2023 WL 3597724, at *2 (D. Minn. May 23, 2023) (denial of default judgment prudent where defaulting and non-defaulting defendants are similarly situated thereby creating risk of absurd or inconsistent judgments). Accordingly, Plaintiff's Motion for Default Judgment is **DENIED** without prejudice until legal allegations raised in Plaintiff's Complaint are resolved on their merits.

IT IS SO ORDERED.

DATED: November 20, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE